

Exhibit B

CLERKS CERTIFICATE

THE STATE OF TEXAS

COUNTY OF GALVESTON

I, **JOHN D. KINARD**, Clerk of the District Court in and for Galveston County, State of Texas, do hereby certify that the foregoing is a true and correct copy of the original record in Cause No. **19-CV-2298**, styled **Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al**; and filed in the **10th District Court of Galveston County**, Texas, now in my lawful custody and filed on the 26th day of December, 2019.

GIVEN UNDER MY HAND AND SEAL at my office in Galveston County, Texas on this the **15th** day of January, 2020.



JOHN D. KINARD

District Clerk

Galveston County, Texas

David R. Kaplan

BY: David R. Kaplan, Deputy Clerk

CASE SUMMARY**CASE No. 19-CV-2298****Monica Felmer Heitman Et Al vs. Texas Farmers
Insurance Company Et Al**§
§
§
§Location: **10th District Court**
Judicial Officer: **Neves, Kerry**
Filed on: **12/26/2019****CASE INFORMATION**Case Type: **Contract - Debt -
Commercial/Consumer**Case Status: **12/26/2019 Active**Case Flags: **Jury Fee Paid****DATE****CASE ASSIGNMENT****Current Case Assignment**Case Number 19-CV-2298
Court 10th District Court
Date Assigned 12/26/2019
Judicial Officer Neves, Kerry**PARTY INFORMATION****Plaintiff****Heitman, Monica Felmer***Lead Attorneys*
Johnson, Christopher L.
Retained
281-895-2410(W)**Heitman, Scott****Johnson, Christopher L.**
Retained
281-895-2410(W)**Defendant****Alcorn, Jessica****Colonial Claims Corporation****Texas Farmers Insurance Company****Zaragoza, Anthony****DATE****EVENTS & ORDERS OF THE COURT****INDEX**

12/26/2019



Original Petition - OCA

Plaintiff Original Petition and Jury Demand - No service requested at this time.

12/26/2019



Status Conference Sheet

Emailed to Attorney

12/26/2019



Receipt Acknowledge

Party: Attorney Johnson, Christopher L.

12/27/2019



Request for Civil Service

Party: Defendant Zaragoza, Anthony

Request for Service Anthony Zaragoza - Issue 1 citation and email to attorney. Assigned to RG

12/27/2019



Request for Civil Service

Party: Defendant Colonial Claims Corporation

CASE SUMMARY

CASE NO. 19-CV-2298

Request for Service on Colonial Claims Corp - Issue 1 citation and email to attorney. Assigned to RG

12/27/2019



Request for Civil Service

Party: Defendant Alcorn, Jessica

Request for Service on Jessica Alcorn - Issue 1 citation and email to attorney. Assigned to RG

12/27/2019



Request for Civil Service

Party: Defendant Texas Farmers Insurance Company

Request for Service on Texas Farmers Ins Co - Issue 1 citation and email to attorney. Assigned to RG

12/27/2019



Citation Issuance - Work Product

Party: Defendant Texas Farmers Insurance Company

Issued 1 citation @ \$8.00 along with status conference. Emailed to attorneys office /RG

12/27/2019



Citation Issuance - Work Product

Party: Defendant Alcorn, Jessica

Issued 1 citation @ \$8.00 along with status conference. Emailed to attorneys office /RG

12/27/2019



Citation Issuance - Work Product

Party: Defendant Colonial Claims Corporation

Issued 1 citation @ \$8.00 along with status conference. Emailed to attorneys office /RG

12/27/2019



Citation Issuance - Work Product

Party: Defendant Zaragoza, Anthony

Issued 1 citation @ \$8.00 along with status conference. E-mailed to attorney- For the SOS-RG

12/27/2019



Receipt Acknowledge

E-mail confirmation for 4 Citations

12/31/2019



Notice - From Court of Setting Date (Judicial Officer: Neves, Kerry)

Status Conference 03/26/20 @ 900am

01/02/2020



Affidavit

Affidavit of Service_Anthony Zaragoza via Tx SOS.pdf

01/07/2020



Affidavit of Service

Date Served: 12/31/2019

Party: Defendant Texas Farmers Insurance Company

Affidavit of Service on Tx Farmers Ins Co

01/07/2020



Affidavit of Service

Date Served: 12/31/2019

Party: Defendant Colonial Claims Corporation

Affidavit of Service on Colonial Claims

03/26/2020

Status Conference (9:00 AM) (Judicial Officer: Neves, Kerry)

Events: 12/31/2019 Notice - From Court of Setting Date

IN-PERSON ATTENDANCE BY COUNSEL IS MANDATORY. FAILURE TO DO SO MAY RESULT IN DISMISSAL FOR WANT OF PROSECUTION.

DATE

FINANCIAL INFORMATION

Plaintiff Heitman, Monica Felmer
Total Charges

366.00

CASE SUMMARY
CASE No. 19-CV-2298

Total Payments and Credits
Balance Due as of 1/15/2020

366.00
0.00

19-CV-2298

CAUSE NO. _____

**MONICA FELMER HEITMAN and
SCOTT HEITMAN**

Plaintiffs,

v.

**TEXAS FARMERS INSURANCE
COMPANY; COLONIAL CLAIMS
CORPORATION; JESSICA ALCORN;
and ANTHONY ZARAGOZA,
*Defendants.***

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IN THE DISTRICT COURT OF

GALVESTON COUNTY, TEXAS

Galveston County - 10th District Court

_____**JUDICIAL DISTRICT**

PLAINTIFFS' ORIGINAL PETITION

TO THE HONORABLE COURT:

Plaintiffs Monica Felmer Heitman and Scott Heitman (collectively "Plaintiffs") file this their Original Petition complaining of Defendants Texas Farmers Insurance Company, Colonial Claims Corporation, Jessica Alcorn, and Anthony Zaragoza (collectively "Defendants"), and would respectfully show the Court as follows:

I.

DISCOVERY LEVEL

1. Plaintiffs intend to conduct discovery pursuant to Level 2 of Rule 190 of the Texas Rules of Civil Procedure.

II.

CLAIM FOR RELIEF

2. Plaintiffs seek monetary relief over \$100,000.00 but not more than \$200,000.00. *See* TEX. R. CIV. P. 47(c)(3).

III.

PARTIES

3. Plaintiff Monica Felmer Heitman ("Monica") is an individual residing in Galveston County, Texas.

Status conference set for 3-26-20

4. Plaintiff Scott Heitman (“Scott”) is an individual residing in Galveston County, Texas.

5. Defendant Texas Farmers Insurance Company (“Farmers”) is a Texas insurance company engaged in the business of insurance in the State of Texas. Plaintiffs request service of citation upon Texas Farmers through its registered agent for service: Chris Granger, 15700 Long Vista Drive, Austin, Texas 78728-3822. Plaintiffs request service at this time.

6. Defendant Anthony Zaragoza (“Zaragoza”) is an individual who participated in the handling and denial of Plaintiffs’ claim. Defendant Zaragoza may be served with process pursuant to long arm statute through the Secretary of State of Texas, Statutory Documents, Post Office Box 12079, Austin, Texas 78711, as statutory agent for forwarding by Certified Mail, Return Receipt Requested at his business, Texas Farmers Insurance Company, P.O. Box 2057, Kalispell, Montana 59903, or wherever Defendant Zaragoza may be found. Upon information and belief, at various relevant times to this lawsuit, Defendant Zaragoza was an agent of Texas Farmers. Plaintiffs request service at this time.

7. Defendant Colonial Claims Corporation (“Colonial”) is a forfeit Texas entity, which upon information and belief participated in the adjusting and handling of Plaintiffs’ claim. Defendant Colonial can be served with process by and through its registered agent CT Corporation System, 1999 Bryan Street, Suite 900, Dallas, Texas 75201. Plaintiffs request service at this time.

8. Defendant Jessica Alcorn (“Alcorn”) is an individual adjuster residing in Harris County, Texas, who participated in the adjusting and handling of Plaintiffs’ claim in Texas. Defendant Alcorn may be served with citation at the address listed with the Texas Department of Insurance: 2501 Yoakum Boulevard, Suite #6, Houston, Texas 77006, or wherever Defendant Alcorn may be found. Plaintiffs request service at this time.

IV.
JURISDICTION AND VENUE

9. Jurisdiction is proper in the District Court because the amount in controversy exceeds \$500.00. Tex. Gov't Code §24.007. This Court has personal jurisdiction over Defendants because Defendants purposefully availed themselves of the privilege of conducting activities in the State of Texas and established minimum contacts sufficient to confer jurisdiction over said Defendants. Additionally, the assumption of jurisdiction over Defendants will not offend traditional notions of fair play and substantial justice and is consistent with the Constitutional requirements of due process. Moreover, Defendant Alcorn is a resident of Texas.

10. Furthermore, this Court has specific jurisdiction over Defendants, as this case arose from and relates to the contacts of Defendants to the State of Texas. Defendants engaged in activities constituting business in the State of Texas, namely contracting with a Texas resident with the contract to be performed in this state and committing a tort in this state, as provided by Section 17.042 of the Texas Civil Practice and Remedies Code.

11. Venue is proper under Texas Civil Practice and Remedies Code § 15.001 *et. seq.* because a substantial part of the events and omissions giving rise to the claims asserted herein occurred in Galveston County, Texas. Furthermore, venue is proper in Galveston County, Texas under Texas Civil Practice and Remedies Code § 15.032 because the insured property is located in this County.

V.
FACTS

12. Plaintiffs are the owners of the property located at 117 Marshall Street, League City, Texas 77573 (the "Property"). The Property was insured by flood insurance policy number 87042758512018, issued by Defendant Farmers (the "Policy"). Plaintiff Monica is the owner of the Policy, and the named insured on the Policy.

13. During the effective policy period, the Property sustained severe damages as a result of flooding caused by unusual and rapid accumulation or runoff of surface waters. Specifically, the Property's damage resulted from severe rains on or about September 11, 2018 inundating the property with surface water and the unusual and rapid accumulation of soil and debris containing runoff, or mudflow blocking the City of League City's drains.

14. Monica promptly reported the loss and submitted a claim to Farmers. Farmers assigned the claim to its agent Zaragoza, and subsequently hired Colonial and its agent Alcorn to investigate, estimate and adjust the claim and loss. On March 4, 2019, Alcorn conducted an outcome-oriented inspection of Plaintiffs' Property. Specifically, Alcorn conducted a substandard investigation by failing to thoroughly and accurately inspect Plaintiffs' covered damages as well as the cause of the damage by ignoring empirical evidence of the flood condition including but not limited to:

- a) an affidavit from the adjacent neighbor attesting to the depth and duration of flooding;
- b) the highwater mark in the Home's rear sunroom and laundry room;
- c) photographs of flooding occurring on February 27, 2019 following two inches of rainfall; and
- d) the remediation and excavation services performed by the League City Public Works, Streets and Storm Water Drains Department on the adjacent storm drains to eliminate flooding.

15. Farmers and its agents Zaragoza, Colonial, and Alcorn failed to comply with the Policy, the Texas Insurance Code and Texas law in handling Plaintiffs' claim. Although Defendants were aware that Plaintiffs' claim satisfied the definition of "flood" as stated in the Standard Flood Insurance Policy ("SFIP"), improper determinations were made by Farmers, Ms. Alcorn and Mr. Zaragoza. Without conducting a thorough and reasonable inspection of Mrs. Heitman's damages, and not based on the language in the Standard Flood Insurance Policy, Defendants wrongfully determined that Plaintiffs' loss and damages were not covered under the

Policy by improperly concluding that “no general condition of flooding could be established.” Further, Farmers has refused to pay all amounts due and owing under the Policy for Plaintiffs’ claim.

16. Farmers failed to adequately train and/or supervise Zaragoza, Colonial, and Alcorn, resulting in an unreasonable investigation and improper handling of Plaintiffs’ claims. Moreover, Farmers, along with Colonial, failed to thoroughly review and properly oversee the work of these assigned claims representatives and adjusters, ultimately approving an improper and unreasonable denial of Mrs. Heitman’s claim. As a result of Defendants’ wrongful acts and omissions set forth above and further described herein, Plaintiffs were improperly denied coverage, not paid on the claim, and suffered damages.

17. Plaintiffs were entitled to receive benefits for the loss covered by the Policy. Due demand was made for proceeds to be paid in an amount sufficient to cover Plaintiffs’ losses on the Property and all conditions precedent to recovery under the Policy have been carried out and accomplished by Plaintiffs. Nevertheless, Farmers through its agents, underwriters and/or assigns failed to perform its contractual duty to adequately compensate Plaintiffs under the terms of their Policy. Specifically, Farmers refused to pay the Policy’s proceeds after its agents, Zaragoza, Colonial, and Alcorn, conducted an outcome-oriented investigation to deny Plaintiffs’ claim, which resulted in Plaintiffs suffering consequential economic and noneconomic damages.

18. Pleading further, Farmers through its agents, underwriters and/or assigns misrepresented to Plaintiffs that the damage to the Property was not covered under the Policy, even though the damage was caused by a covered occurrence, a flood as defined by the SFIP. Defendant’s conduct constitutes a violation of the Texas Insurance Code §541.060(a)(1).

19. Farmers failed to make an attempt to settle Plaintiff's claim in a fair manner, although it was aware of its liability to Plaintiff under the Policy, violating §541.060(a)(2)(A) of the Texas Insurance Code.

20. Additionally, Farmers through its agents, underwriters and/or assigns failed to explain to Plaintiffs any valid reason for its coverage denial. Specifically, Farmers failed to offer Plaintiffs full compensation, without any valid explanation why full payment was not being made, in violation of §541.060(a)(3) of the Texas Insurance Code.

21. Farmers failed to meet its obligations under the Texas Insurance Code regarding payment of claims without delay. Specifically, it has delayed full payment of Plaintiffs' claim and, to date, Plaintiffs have not received payment for the claim in violation of Texas Insurance Code §542.058.

22. From and after the time Plaintiffs' claim was presented Farmers liability to pay the full claim in accordance with the terms of the Policy was reasonably clear. However, Farmers has refused to pay Plaintiff in full, despite there being no basis upon which a reasonable insurance company would have relied to deny full payment, in violation of the common law duty of good faith and fair dealing.

23. Additionally, Farmers and its agents Zaragoza, Colonial, and Alcorn knowingly or recklessly made false representations, as described above, as to material facts and/or knowingly concealed all or part of material information from Plaintiffs.

24. As a result of Defendants' wrongful acts and omissions, Plaintiffs were forced to retain the attorneys below to prosecute the claim for insurance benefits to which they are entitled.

VI.
CAUSES OF ACTION

A. Breach of Contract against Texas Farmers Insurance Company.

25. The foregoing paragraphs are incorporated herein.

26. Plaintiff Monica and Defendant Farmers entered into a valid and binding contract, the Policy.

27. Plaintiff Monica complied with all obligations under the Policy, and all conditions precedent to recovery upon the Policy are satisfied.

28. Defendant Farmers has failed and refused to pay Plaintiffs the benefits due under the Policy, which was in full force and effect at the time of the damage that forms the basis of this lawsuit. Defendant Farmers breached its contractual obligation to Plaintiffs by continuing to refuse to adequately compensate Plaintiffs for the damage to the Property pursuant to the terms of the Policy.

29. As a result of Defendant Texas Farmers' breach, Plaintiffs are entitled to regain the benefit of the bargain, which is the amount of Plaintiffs' claim, together with attorney's fees.

B. Defendants' noncompliance with Texas Insurance Code Chapter 541: "Unfair Competition and Unfair Practices Act."

30. Plaintiffs incorporate by reference all facts and circumstances set forth under the foregoing paragraphs.

31. Defendants violated Texas Insurance Code § 541.060(a) by engaging in unfair settlement practices during the handling of Plaintiffs' claim. Defendants' violations are actionable pursuant to Texas Insurance Code § 541.151. Specifically, Defendants engaged in the following unfair settlement practices:

- a) Pursuant to TEX. INS. CODE § 541.060(a)(1), Defendants Farmers and Zaragoza misrepresented to Plaintiffs material facts or Policy provisions relating to the coverage at issue by misrepresenting the true scope and amount of the claim at

issue despite the existence of obvious and easily identifiable property conditions warranting coverage under the policy.

- b) Pursuant to TEX. INS. CODE § 541.060(a)(2)(A), Defendants failed to attempt in good faith to effectuate a prompt, fair, and equitable settlement of the claim, even though Defendant Farmers' liability under the Policy was reasonably clear. Specifically, Defendants failed to make an attempt to settle the claim fairly despite the fact that Defendant Farmers knew or should have known of its liability to Plaintiffs under the Policy.
- c) Pursuant to TEX. INS. CODE § 541.060(a)(3), Defendants failed to promptly provide Plaintiffs with a reasonable explanation of the basis in the Policy, in relation to the facts or applicable law, for Defendant Farmers' denial of the claim or offer of a compromise settlement of the claim. Specifically, Defendant Farmers failed to offer Plaintiffs adequate compensation for damages to the Property without reasonable explanation as to why coverage was being denied.
- d) Pursuant to TEX. INS. CODE § 541.060(a)(4), Defendant Farmers failed to affirm or deny coverage of the claim to Plaintiffs within a reasonable time after proof of loss statements have been completed.
- e) Pursuant to TEX. INS. CODE § 541.060(a)(7), Defendant Farmers refused to pay Plaintiffs' claim without conducting a reasonable investigation with respect to the claim. Specifically, Defendants Texas Farmers, Zaragoza, Alcorn, and Colonial's outcome-oriented investigation and adjustment of Plaintiffs' claim resulted in an unfair evaluation of Plaintiffs' loss and the Property's damage.

32. Each of the foregoing unfair settlement practices was committed with knowledge by Defendants and was a producing cause of Plaintiffs' injuries and damages.

33. As a result, Plaintiffs are entitled to actual damages, which includes the loss of the contractual benefits that should have been paid pursuant to the Policy, mental anguish, court costs, and attorney's fees. For Defendants' knowing conduct in violating these laws, Plaintiffs respectfully request treble damages pursuant to Texas Insurance Code § 541.152.

C. Noncompliance with Texas Insurance Code Chapter 542: "The Prompt Payment of Claims Act."

34. Plaintiffs incorporate by reference all facts and circumstances set forth under the foregoing paragraphs.

35. Plaintiffs gave prompt notice of their claims to Defendant Farmers. Defendant Farmers engaged in unfair settlement claims practices, as discussed above, and denied and/or have delayed payment on Plaintiffs' claim. Texas Farmers and Zaragoza investigation and use of adjusters' reports was an "outcome-oriented" investigation. Texas Farmers and Zaragoza failed to comply with the requirements of Chapter 542 by failing to adopt and implement reasonable standards for the prompt investigation of the claim arising under the Policy, in violation of TEX. INS. CODE § 542.003 (b)(3).

36. Pursuant to Texas Insurance Code § 542.060, as a result of Defendants Texas Farmers and Zaragoza's noncompliance with the Texas Insurance Code Prompt Payment of Claims provisions, Plaintiffs are entitled to the entire amount of the claim, eighteen (18) percent interest per annum on the amount of the claim and reasonable and necessary attorney's fees.

D. Violations of the Texas Deceptive Trade Practices-Consumer Protection Act.

37. Plaintiffs re-allege and incorporate each allegation contained in the preceding paragraphs of this Petition as if fully set forth herein.

38. The Deceptive Trade Practices-Consumer Protection Act ("DTPA") provides additional protections to consumers who are victims of deceptive, improper, or illegal practices. Defendant Texas Farmers' violations of the Texas Insurance Code create a cause of action under the DTPA. These violations of the Texas Insurance Code, as set forth herein, specifically violate the DTPA as well.

E. Breach of the Duty of Good Faith and Fair Dealing.

39. Plaintiffs incorporate by reference all facts and circumstances set forth under the foregoing paragraphs.

40. Defendant Farmers, as Plaintiffs' insurance company, had a duty to deal fairly and in good faith with her in the processing of the claim. Defendant Farmers breached this duty by

refusing to properly investigate, improperly denying benefits, looking for excuses to deny benefits and refusing to pay benefits timely and taking actions contrary to its duties under the Texas Insurance Code.

41. Defendant Farmers knew or should have known there was no reasonable basis for denying or delaying Plaintiffs' required benefits. The covered flood damage to the Property was at all times reasonably clear during Defendant Farmers' claim investigation, such that any adjuster or insurance carrier acting in good faith would know or should have known to acknowledge and accept coverage for such damages.

42. As a result of Defendants' outcome-oriented investigation, Defendant Farmers continues to refuse to pay Plaintiffs in full for the claim.

43. Defendant Farmers knew or should have known by the exercise of reasonable diligence that its liability was reasonably clear, and its failure, as set forth above, to adequately and reasonably investigate and evaluate Plaintiffs' claim, constitutes a breach of the duty of good faith and fair dealing.

44. As a result, Plaintiffs are entitled to compensatory damages, including all forms of loss resulting from Defendant Texas Farmers' breach, exemplary damages, and damages for emotional distress.

F. Negligence against Colonial Claims Corporation and Jessica Alcorn.

45. Plaintiffs incorporate by reference all facts and circumstances set forth under the foregoing paragraphs.

46. Pleading in the alternative, Defendant Colonial and Defendant Alcorn were negligent in their actions with regard to her adjusting of Plaintiffs' claim and violated the standard of care for an insurance adjuster licensed in the state of Texas. Those failures include one or more of the following acts or omissions:

- f) Failing to conduct a reasonable inspection of Plaintiffs' claim;
- g) Failing to reasonably investigate Plaintiffs' claim;
- h) Failing to reasonably evaluate Plaintiffs' claim; and
- i) Failing to consider empirical evidence of flooding while investigating Plaintiffs' claim.

47. Defendant Colonial and Defendant Alcorn's acts and/or omissions constitute negligence. Said conduct was therefore a proximate cause of the damages sustained by Plaintiffs.

48. Upon information and belief, at the time Defendant Alcorn participated in the inspection of Plaintiffs' Property, she was acting through her agency and/or employment with Defendant Colonial. Therefore, Defendant Colonial is also liable for the negligence of Defendant Alcorn through the doctrine of respondeat superior.

VII. KNOWLEDGE AND INTENT

49. Plaintiffs incorporate by reference all facts and circumstances set forth under the foregoing paragraphs.

50. Each of the acts described above, together and singularly, were done "knowingly" and "intentionally" as those terms are used in the Texas Insurance Code and were a producing cause of Plaintiffs' damages.

VIII. NOTICE AND CONDITIONS PRECEDENT

51. Defendants have been provided notice, in writing, of the claims made by Plaintiffs in this petition, including Plaintiffs' actual damages, in the manner and form required pursuant to Texas Insurance Code § 541.154.

52. All other conditions precedent necessary to maintain this action and the claim under the Policy have been performed, occurred, or have been waived by Defendant Texas Farmers; or

Defendant Texas Farmers is otherwise estopped from raising same due to its prior breach of the insurance contract.

IX.
ATTORNEY'S FEES

53. As a result of Defendants' conduct, it has been necessary for Plaintiffs to secure the services of the undersigned attorneys to represent them in this action, and Plaintiffs have agreed to pay the undersigned attorneys reasonable and necessary attorney's fees. Plaintiffs are entitled to recover their reasonable and necessary attorney's fees in the preparation and trial of this action, including any appeals to the Court of Appeals and/or the Supreme Texas Court of Texas pursuant to the Texas Insurance Code.

X.
REQUEST FOR DISCLOSURE

54. Pursuant to Texas Rule of Civil Procedure Rule 194, Defendants are requested to disclose, within 50 days of service of this request, the information or material described in Rule 194.2(a)-(l).

XI.
NOTICE

55. Pursuant to Texas Rule of Civil Procedure 193.7, Plaintiffs hereby give notice to Defendants that any and all documents produced may be used against the defendant producing the documents at any pre-trial proceeding and/or trial of this matter without the necessity of authenticating the documents.

XII.
WAIVER

56. By filing this suit, Plaintiffs do not waive or release rights, claims, causes of action, or defenses, or make any election of remedies that they now have or may have, but expressly

reserve all such rights, claims, causes of action, and defenses, whether or not the same have been asserted or may hereafter be asserted, in this or any other proceeding.

XIII.
JURY DEMAND

57. Plaintiffs demand a jury trial and have paid the appropriate fee.

XIV.
PRAYER

WHEREFORE, Plaintiffs Monica Felmer Heitman and Scott Heitman pray that Defendants Texas Farmers Insurance Company, Anthony Zaragoza, Colonial Claims Corporation, and Jessica Alcorn be cited to appear and answer, and that upon final trial of this cause, Plaintiffs respectfully request that they have Judgment over and against Defendants, jointly and severally, to recover their actual damages, exemplary damages, attorney's fees, prejudgment and post judgment interest at the maximum lawful rate, and costs of court, and that Plaintiffs have such other and further relief, at law or in equity, to which they may show themselves justly entitled.

Respectfully submitted,

**Johnson & Associates,
Attorneys at Law, PLLC**

By: /s/ Christopher L. Johnson

Christopher L. Johnson

Texas State Bar No. 24069999

chris@johnson-attorneys.com

Justin M. Kornegay

Texas State Bar No. 24077668

justin@johnson-attorneys.com

Caroline E. Bossier

Texas State Bar No. 24110669

caroline@johnson-attorneys.com

303 East Main Street, Suite 100

League City, Texas 77573

Telephone: 281-895-2410

Facsimile: 409-263-1020

The District Courts of Galveston County, Texas Status Conference Notice

Please calendar this event

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date: 03/26/2020 set in the 10th District Court

Case Number:	19-CV-2298
Case Style: Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al	

Helpful Information: Please visit our website at
<http://www.galvestoncountytexas.gov/dc/Pages/default.aspx>

FAQ

Forms

Fee Schedules

Remote Access to on-line case record searches

Contact and Mailing information

Passport Services

E Filing Information

Helpful Links to Legal Resources and sites

Notice: If this case is filed as an expedited action pursuant to Rule 169 of the Texas Rules of Civil Procedure, please contact the Court to inform them of the same as soon as possible.

JOHN D. KINARD, District Clerk, Galveston County, Texas
District Clerk Personnel proudly serving our customers, community, and supporting the Judiciary

Kain, Rolande

From: postmaster@NETORGFT3607770.onmicrosoft.com
To: chris@Johnson-Attorneys.com
Sent: Thursday, December 26, 2019 2:13 PM
Subject: Delivered: 19-CV-2298 Status conference sheet

Your message has been delivered to the following recipients:

chris@Johnson-Attorneys.com (chris@Johnson-Attorneys.com)

Subject: 19-CV-2298 Status conference sheet

Issue 1 citation and email to attorney. Assigned to RG

Filed: 12/27/2019 9:49 AM
 JOHN D. KINARD - District Clerk
 Galveston County, Texas
 Envelope No. 39514034
 By: Rolando Kain
 12/27/2019 10:18 AM



JOHN D. KINARD

DISTRICT CLERK GALVESTON COUNTY

REQUEST FOR ISSUANCE OF SERVICE

Case Number: 19-CV-2298 Court Description: 10th Judicial District

Name(s) of Documents to be served: Plaintiffs' Original Petition

SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)

Issue Service To: Anthony Zaragoza

Address of Service: Post Office Box 12079

City, State & Zip: Austin, Texas 78711

Agent (IF APPLICABLE) Secretary of State of Texas, Statutory Documents

TYPE OF SERVICE TO BE ISSUED:

- | | | | |
|---|--|--|---|
| <input type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citation Rule 106 Service |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | <input checked="" type="checkbox"/> Secretary of State Citation |
| <input type="checkbox"/> Protective Order | <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Attachment | <input type="checkbox"/> Certiorari |
| <input type="checkbox"/> Garnishment | <input type="checkbox"/> Habeas Corpus | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe): _____ | | | |

All service fees for Sheriff and Constable are collected by the clerk of court at the time of request.

UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)

- ☐ Send to Sheriff
- ☐ Galveston County Constable Name and Address _____
- ☐ Civil Process Server (Include the name of the Authorized Person to pick-up): _____
- ☐ Call attorney for pick up (Phone Number): _____
- ☐ Mail to attorney at: _____
- ☒ Email Service to: nancy@johnson-attorneys.com
- ☐ District Clerk serve by certified mail _____
- ☐ Send to League City _____

ISSUANCE OF SERVICE REQUESTED BY:

Attorney/Party Name: Justin M. Kornegay

Phone Number: 291.895.2410 Email Address: justin@johnson-attorneys.com

Issue 1 citation and email to attorney. Assigned to RG

Filed: 12/27/2019 9:49 AM
 JOHN D. KINARD - District Clerk
 Galveston County, Texas
 Envelope No. 39514034
 By: Paloma Kain
 12/27/2019 10:18 AM



JOHN D. KINARD

DISTRICT CLERK GALVESTON COUNTY

REQUEST FOR ISSUANCE OF SERVICE

Case Number: 19-CV-2298 Court Description: 10th Judicial District

Name(s) of Documents to be served: Plaintiffs' Original Petition

SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)

Issue Service To: Colonial Claims Corporation

Address of Service: 1999 Bryan Street, Suite 900

City, State & Zip: Dallas, Texas 75201

Agent (IF APPLICABLE) CT Corporation System

TYPE OF SERVICE TO BE ISSUED:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citation Rule 106 Service |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | <input type="checkbox"/> Secretary of State Citation |
| <input type="checkbox"/> Protective Order | <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Attachment | <input type="checkbox"/> Certiorari |
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| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe): _____ | | | |

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- ☐ Galveston County Constable Name and Address _____
- ☐ Civil Process Server (Include the name of the Authorized Person to pick-up): _____
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- ☐ District Clerk serve by certified mail _____
- ☐ Send to League City _____

ISSUANCE OF SERVICE REQUESTED BY:

Attorney/Party Name: Justin M. Kornegay

Phone Number: 291.895.2410 Email Address: justin@johnson-attorneys.com

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JOHN D. KINARD

DISTRICT CLERK GALVESTON COUNTY

REQUEST FOR ISSUANCE OF SERVICE

Case Number: 19-CV-2298 Court Description: 10th Judicial District

Name(s) of Documents to be served: Plaintiffs' Original Petition

SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)

Issue Service To: Jessica Alcorn

Address of Service: 2501 Yoakum Boulevard, Suite #6

City, State & Zip: Houston, Texas 77006, or wherever Defendant Jessica Alcorn may be found

Agent (IF APPLICABLE) _____

TYPE OF SERVICE TO BE ISSUED:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citation Rule 106 Service |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | <input type="checkbox"/> Secretary of State Citation |
| <input type="checkbox"/> Protective Order | <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Attachment | <input type="checkbox"/> Certiorari |
| <input type="checkbox"/> Garnishment | <input type="checkbox"/> Habeas Corpus | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe): _____ | | | |

All service fees for Sheriff and Constable are collected by the clerk of court at the time of request.

UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)

- ☐ Send to Sheriff
- ☐ Galveston County Constable Name and Address _____
- ☐ Civil Process Server (Include the name of the Authorized Person to pick-up): _____
- ☐ Call attorney for pick up (Phone Number): _____
- ☐ Mail to attorney at: _____
- ☒ Email Service to: nancy@johnson-attorneys.com
- ☐ District Clerk serve by certified mail _____
- ☐ Send to League City _____

ISSUANCE OF SERVICE REQUESTED BY:

Attorney/Party Name: Justin M. Kornegay

Phone Number: 291.895.2410 Email Address: justin@johnson-attorneys.com

Issue 1 citation and email to attorney. Assigned to RG

Filed: 12/27/2019 9:49 AM
 JOHN D. KINARD - District Clerk
 Galveston County, Texas
 Envelope No. 39514034
 By: Rolando Kain
 12/27/2019 10:18 AM



JOHN D. KINARD

DISTRICT CLERK GALVESTON COUNTY

REQUEST FOR ISSUANCE OF SERVICE

Case Number: 19-CV-2298 Court Description: 10th Judicial District

Name(s) of Documents to be served: Plaintiffs' Original Petition

SERVICE TO BE ISSUED ON (Please list exactly as the name appears in the pleading to be served)

Issue Service To: Texas Farmers Insurance Company

Address of Service: 15700 Long Vista Drive

City, State & Zip: Austin, Texas 78728-3822

Agent (IF APPLICABLE) Chris Granger

TYPE OF SERVICE TO BE ISSUED:

- | | | | |
|---|--|--|--|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citation Rule 106 Service |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | <input type="checkbox"/> Secretary of State Citation |
| <input type="checkbox"/> Protective Order | <input type="checkbox"/> Citation Scire Facias | <input type="checkbox"/> Attachment | <input type="checkbox"/> Certiorari |
| <input type="checkbox"/> Garnishment | <input type="checkbox"/> Habeas Corpus | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe): _____ | | | |

All service fees for Sheriff and Constable are collected by the clerk of court at the time of request.

UPON ISSUANCE OF SERVICE: (CHECK ONE ONLY)

- ☐ Send to Sheriff
- ☐ Galveston County Constable Name and Address _____
- ☐ Civil Process Server (Include the name of the Authorized Person to pick-up): _____
- ☐ Call attorney for pick up (Phone Number): _____
- ☐ Mail to attorney at: _____
- ☒ Email Service to: nancy@johnson-attorneys.com
- ☐ District Clerk serve by certified mail _____
- ☐ Send to League City _____

ISSUANCE OF SERVICE REQUESTED BY:

Attorney/Party Name: Justin M. Kornegay

Phone Number: 291.895.2410 Email Address: justin@johnson-attorneys.com

CITATION**THE STATE OF TEXAS**

**MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS
INSURANCE COMPANY ET AL**

**Cause No.: 19-CV-2298
10th District Court of Galveston County**

**TO: Texas Farmers Insurance Company
Registered Agent Chris Granger
15700 Long Vista Drive
Austin TX 78728-3822**

GREETINGS: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you.

Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. The case is presently pending before the **10th District Court** of Galveston County sitting in Galveston, Texas, and the **Original Petition - OCA** was filed **December 26, 2019**. It bears cause number **19-CV-2298** and see the attached petition/motion for named parties to the suit.

Issued and given under my hand and the seal of said court at Galveston, Texas, on **this the 27th day of December, 2019**.

Issued at the request of:
Christopher L Johnson
Johnson & Associates Attorney at Law PLLC
303 East Main Street Suite 100
League City TX 77573

John D. Kinard, District Clerk
Galveston County, Texas



Robin Gerhardt

By Robin Gerhardt, Deputy

The District Courts of Galveston County, Texas Status Conference Notice
Please calendar this event

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :03/26/2020 set in the 10th District Court - Judge Kerry Neves

RETURN OF SERVICE

Case no. 19-CV-2298

In the 10th District Court

Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al

Come to hand on _____ at _____ o'clock _____ m., and executed in _____ County, Texas by delivering to each of the within named party in person, a true copy of the CITATION with the delivery endorsed thereon, together with the accompanying copy of the **Original Petition - OCA** at the following times and places, to wit:

To: Texas Farmers Insurance Company
Registered Agent Chris Granger
15700 Long Vista Drive
Austin TX 78728-3822

SERVED:**ADDRESS/LOCATION**

DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURT HOUSE	MILEAGE

and **NOT** executed as to said above named defendant for the reasons shown below:

The diligence used in finding said within named defendant and the **cause or failure to execute** this process is for the following reason: _____

FEES: Serving CITATION and copy \$ _____

Mileage _____ **miles @ \$** _____ **per mile** **Total \$** _____

TOTAL FEES AND MILEAGE \$ _____

Signed on _____ day of _____, 20____

Officer

County, TX

Deputy / Officer Signature

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF COURT

In accordance with **rule 107 (c)**. The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. **If the return is signed by a person other than a sheriff, constable, or clerk of the court the return shall be signed under penalty of perjury and contain the following statement.**

"My name is _____, my date of birth is _____
 (First) (Middle) (Last)

And my address is _____
 Street, City, State, Zip, County

"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____, County, State of _____, on _____.

Declarant/Authorized Process Server Signature

ID# and expiration of certification

CITATION

THE STATE OF TEXAS

MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS
INSURANCE COMPANY ET AL

Cause No.: 19-CV-2298
10th District Court of Galveston County

TO: Jessica Alcorn
2501 Yoakum Boulevard, Suite #6
Houston, Texas 77006, or wherever Defendant Jessica Alcorn may be found

GREETINGS: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you.

Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. The case is presently pending before the **10th District Court** of Galveston County sitting in Galveston, Texas, and the **Original Petition - OCA** was filed **December 26, 2019**. It bears cause number **19-CV-2298** and see the attached petition/motion for named parties to the suit.

Issued and given under my hand and the seal of said court at Galveston, Texas, on this the **27th day of December, 2019**.

Issued at the request of:
Christopher L Johnson
Johnson & Associates Attorney at Law PLLC
303 East Main Street Suite 100
League City TX 77573

John D. Kinard, District Clerk
Galveston County, Texas



Robin Gerhardt

By Robin Gerhardt, Deputy

The District Courts of Galveston County, Texas Status Conference Notice
Please calendar this event

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :03/26/2020 set in the 10th District Court - Judge Kerry Neves

RETURN OF SERVICE

Case no. 19-CV-2298

In the 10th District Court

Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al

Come to hand on _____ at _____ o'clock _____, m., and executed in _____ County, Texas by delivering to each of the within named party in person, a true copy of the CITATION with the delivery endorsed thereon, together with the accompanying copy of the **Original Petition - OCA** at the following times and places, to wit:

To: Jessica Alcorn**2501 Yoakum Boulevard, Suite #6****Houston, Texas 77006, or wherever Defendant Jessica Alcorn may be found****SERVED:****ADDRESS/LOCATION**

DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURT HOUSE	MILEAGE

and **NOT** executed as to said above named defendant for the reasons shown below:

The diligence used in finding said within named defendant and the **cause or failure to execute** this process is for the following reason: _____

FEES: Serving CITATION and copy \$ _____

Mileage _____ miles @ \$ _____ per mile Total \$ _____

TOTAL FEES AND MILEAGE \$

Signed on _____ day of _____, 20

Officer_____
County, TX_____
Deputy /Officer Signature**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF COURT**

In accordance with **rule 107 (c)**. The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. **If the return is signed by a person other than a sheriff, constable, or clerk of the court the return shall be signed under penalty of perjury and contain the following statement.**

"My name is _____, my date of birth is _____
(First) (Middle) (Last)

And my address is _____
Street, City, State, Zip, County

"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____, County, State of _____, on _____.

Declarant/Authorized Process Server Signature_____
ID# and expiration of certification

CITATION

THE STATE OF TEXAS

MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS
INSURANCE COMPANY ET AL

Cause No.: 19-CV-2298
10th District Court of Galveston County

TO: Colonial Claims Corporation
Registered Agent CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201

GREETINGS: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you.

Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. The case is presently pending before the **10th District Court** of Galveston County sitting in Galveston, Texas, and the **Original Petition - OCA** was filed **December 26, 2019**. It bears cause number **19-CV-2298** and see the attached petition/motion for named parties to the suit.

Issued and given under my hand and the seal of said court at Galveston, Texas, **on this the 27th day of December, 2019.**

Issued at the request of:
Christopher L Johnson
Johnson & Associates Attorney at Law PLLC
303 East Main Street Suite 100
League City TX 77573



John D. Kinard, District Clerk
Galveston County, Texas

Robin Gerhardt

By Robin Gerhardt, Deputy

The District Courts of Galveston County, Texas Status Conference Notice
Please calendar this event

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409-766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :03/26/2020 set in the 10th District Court - Judge Kerry Neves

RETURN OF SERVICE

Case no. 19-CV-2298

In the 10th District Court

Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al

Come to hand on _____ at _____ o'clock _____m., and executed in _____ County, Texas by delivering to each of the within named party in person, a true copy of the CITATION with the delivery endorsed thereon, together with the accompanying copy of the **Original Petition - OCA** at the following times and places, to wit:

To: **Colonial Claims Corporation**
Registered Agent CT Corporation System
1999 Bryan Street, Suite 900
Dallas, Texas 75201

SERVED:**ADDRESS/LOCATION**

DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURT HOUSE	MILEAGE

and **NOT** executed as to said above named defendant for the reasons shown below:

The diligence used in finding said within named defendant and the **cause or failure to execute** this process is for the following reason: _____

FEES: Serving CITATION and copy \$ _____

Mileage _____ miles @ \$ _____ per mile Total \$ _____

TOTAL FEES AND MILEAGE \$

Signed on _____ day of _____, 20_____

Officer_____
County, TX_____
Deputy /Officer Signature**COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF COURT**

In accordance with **rule 107 (c)**. The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. **If the return is signed by a person other than a sheriff, constable, or clerk of the court the return shall be signed under penalty of perjury and contain the following statement.**

"My name is _____, my date of birth is _____
 (First) (Middle) (Last)

And my address is _____
 Street, City, State, Zip, County

"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____, County, State of _____, on _____.

Declarant/Authorized Process Server Signature_____
ID# and expiration of certification

CITATION**THE STATE OF TEXAS**

**MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS
INSURANCE COMPANY ET AL**

**Cause No.: 19-CV-2298
10th District Court of Galveston County**

TO: Anthony Zaragoza, Upon Whom Process Of Service May Be Had By Serving: The Secretary of the State of Texas, Citations Unit, P.O. Box 12079, Austin TX 78711-2079, Who Shall Then Forward a Copy to: Anthony Zaragoza, Texas Farmers Insurance Company, P.O. Box 2057, Kalispell, Montana 59903

GREETINGS: YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days from the date you were served this citation and petition/motion, a default judgment may be taken against you.

Said written answer may be filed by mailing same to: District Clerk's Office, 600 59th Street, Suite 4001, Galveston, Texas 77551-2388. The case is presently pending before the **10th District Court** of Galveston County sitting in Galveston, Texas, and the **Original Petition - OCA** was filed **December 26, 2019**. It bears cause number **19-CV-2298** and see the attached petition/motion for named parties to the suit.

Issued and given under my hand and the seal of said court at Galveston, Texas, **on this the 27th day of December, 2019.**

Issued at the request of:
Christopher L Johnson
Johnson & Associates Attorney at Law PLLC
303 East Main Street Suite 100
League City TX 77573



**John D. Kinard, District Clerk
Galveston County, Texas**

Robin Gerhardt

By Robin Gerhardt, Deputy

**The District Courts of Galveston County, Texas Status Conference Notice
Please calendar this event**

All Status Conferences will be set for Thursdays (subject to exceptions for county holidays)

Court Name	Status Conference Time	Court Phone Number		
10 th District Court	@ 9:00 A.M.	409-766-2230	Fax	409-770-5266
56 th District Court	@ 9:30 A.M.	409-766-2226	Fax	409-770-5264
122 nd District Court	@ 9:30 A.M.	409-766-2275	Fax	409-770-6265
212 th District Court	@ 9:00 A.M.	409- 766-2266	Fax	409-765-2610
405 th District Court	@ 10:00 A.M.	409-765-2688	Fax	409-765-2689

Date :03/26/2020 set in the 10th District Court - Judge Kerry Neves

RETURN OF SERVICE

Case no. **19-CV-2298**In the **10th District Court****Monica Felmer Heitman Et Al vs. Texas Farmers Insurance Company Et Al**

Come to hand on _____ at _____ o'clock _____m., and executed in _____ County, Texas by delivering to each of the within named party in person, a true copy of the CITATION with the delivery endorsed thereon, together with the accompanying copy of the **Original Petition - OCA** at the following times and places, to wit:

To: Anthony Zaragoza, Upon Whom Process Of Service May Be Had By Serving: **The Secretary of the State of Texas, Citations Unit, P.O. Box 12079, Austin TX 78711-2079, Who Shall Then Forward a Copy to: Anthony Zaragoza, Texas Farmers Insurance Company, P.O. Box 2057, Kalispell, Montana 59903**

SERVED:**ADDRESS/LOCATION**

DATE	TIME	PLACE, COURSE, AND DISTANCE FROM COURT HOUSE	MILEAGE

and **NOT** executed as to said above named defendant for the reasons shown below:

The diligence used in finding said within named defendant and the **cause or failure to execute** this process is for the following reason: _____

FEES: Serving CITATION and copy \$ _____

Mileage _____ miles @ \$ _____ per mile **Total \$** _____

TOTAL FEES AND MILEAGE \$ _____

Signed on _____ day of _____, 20_____

Officer

County, TX

Deputy /Officer Signature

COMPLETE IF YOU ARE A PERSON OTHER THAN A SHERIFF, CONSTABLE, OR CLERK OF COURT

In accordance with **rule 107 (c)**.The officer or authorized person who serves, or attempts to serve, a citation shall sign the return. The signature is not required to be verified. **If the return is signed by a person other than a sheriff, constable, or clerk of the court the return shall be signed under penalty of perjury and contain the following statement.**

"My name is _____, my date of birth is _____
(First) (Middle) (Last)

And my address is _____
Street, City, State, Zip, County

"I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT."

Executed in _____, County, State of _____, on _____.

Declarant/Authorized Process Server Signature

ID# and expiration of certification

Gerhardt, Robin

From: postmaster@NETORGFT3607770.onmicrosoft.com
To: 'nancy@johnson-attorneys.com'
Sent: Friday, December 27, 2019 1:08 PM
Subject: Delivered: 19 CV 2298 Citation (4)

Your message has been delivered to the following recipients:

'nancy@johnson-attorneys.com' (nancy@johnson-attorneys.com)

Subject: 19 CV 2298 Citation (4)



FILED

19 DEC 31 AM 11:02

[Signature]

10th Judicial District Court DISTRICT CLERK
Galveston, County, Texas GALVESTON COUNTY, TEXAS

Kerry Neves
Judge

NOTICE OF CASE SETTING/ACTION

December 30, 2019

CHRISTOPHER L. JOHNSON
303 E. MAIN ST., STE. 100
LEAGUE CITY TX 77573

Fax: 409-263-1020
Email: chris@johnson-attorneys.com

CASE NUMBER: 19-CV-2298

CASE STYLE: MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS INS. CO. ET AL

DATE: March 26, 2020 TIME: 9:00 AM

TYPE OF SETTING/ACTION: STATUS CONFERENCE.

IN-PERSON ATTENDANCE BY COUNSEL IS MANDATORY. FAILURE TO DO SO MAY RESULT IN DISMISSAL FOR WANT OF PROSECUTION.

It is the Plaintiff's responsibility to give notice to all parties as they are served and/or answer.

FROM: Lori Wilson, CCM
COURT COORDINATOR
10TH JUDICIAL DISTRICT COURT
600 59TH ST, 4th FLOOR
GALVESTON, TX 77551
(409) 766-2230

RETURN TO FAX NO.: (409) 770-5266

CONFIDENTIALITY NOTE

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately and we will arrange to retrieve the document from you.

19-CV-2298
DCNOFCS
Notice - From Court of Setting Date
1950614



Xerox WorkCentre 5330

Transmission Report

Date & Time : 12/30/2019 12:45 PM

Page : 1 (Last Page)

The job has been sent.

Job Date & Time 12/30/2019 12:44 PM



10th Judicial District Court
Galveston, County, Texas

Kerry Neves
Judge

NOTICE OF CASE SETTING/ACTION

December 30, 2019

CHRISTOPHER L. JOHNSON
303 E. MAIN ST., STE. 100
LEAGUE CITY TX 77573

Fax: 409-263-1020
Email: chris@johnson-attorneys.com

CASE NUMBER: 19-CV-2298

CASE STYLE: MONICA FELMER HEITMAN ET AL VS. TEXAS FARMERS INS. CO. ET AL

DATE: March 26, 2020 TIME: 9:00 AM

TYPE OF SETTING/ACTION: STATUS CONFERENCE.
IN-PERSON ATTENDANCE BY COUNSEL IS MANDATORY. FAILURE TO DO SO MAY RESULT
IN DISMISSAL FOR WANT OF PROSECUTION.
It is the Plaintiff's responsibility to give notice to all parties as they are served and/or answer.

FROM: Lori Wilson, CCM
COURT COORDINATOR
10TH JUDICIAL DISTRICT COURT
600 59TH ST, 4th FLOOR
GALVESTON, TX 77551
(409) 766-2230

RETURN TO FAX NO.: (409) 770-5266

CONFIDENTIALITY NOTE

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Date & Time Sent	Recipient Information	Result
12/30/2019 12:45 PM	chris@johnson-attorneys.com	Completed

ACI

FAX CONFIRMATION**Result: Success****Sent by:**

Name: Fax Sender
 Voice Number:
 Fax Number:
 RightFax ID: WALKUP

Sent to:

Name: Fax User
 Company:
 Number/Address: 4092631020
 Voice Number:
 Remote CSID: 4697131589



10th Judicial District Court
 Galveston County, Texas

Kerry Neves
 Judge

NOTICE OF CASE SETTING/ACTION

December 30 2019

CHRISTOPHER L. JOHNSON
 303 E. MAIN ST., STE. 100
 LEAGUE CITY TX 77573

Fax: 409-263-1020
 Email: chris@johnson-attorneys.com

CASE NUMBER 19-CV-2286

CASE STYLE MONICA FELMER HEITMAN ET AL VS TEXAS FARMERS INS CO ET AL

DATE March 26, 2020 TIME 9:05 AM

TYPE OF SETTING/ACTION: STATUS CONFERENCE
 IN-PERSON ATTENDANCE BY COUNSEL IS MANDATORY. FAILURE TO DO SO MAY RESULT
 IN DISMISSAL FOR WANT OF PROSECUTION.
It is the Plaintiff's responsibility to give notice to all parties as they are served and/or answer.

FROM: Lon Wilson, CCM
 COURT COORDINATOR
 10TH JUDICIAL DISTRICT COURT
 600 59TH ST., 4TH FLOOR
 GALVESTON, TX 77551
 (409) 766-2230

RETURN TO FAX NO. (409) 770-5206

CONFIDENTIALITY NOTE:

The information contained in this facsimile message is legally privileged and confidential information intended only for the use of the individual or entity named above. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copy of this facsimile is strictly prohibited. If you have received this facsimile in error, please notify us immediately and we will arrange to retrieve the document from you.

Details:

Type: Fax
 Cover Sheet: has a cover page
 Body Pages: 1
 Billing Code #1:
 Billing Code #2:
 Unique ID: WAL5E09E2DC37FB
 Fax Channel: 6
 Scanning Device: 172.21.26.48
 Scanned at: 12/30/19 11:43:23
 Submitted at: 12/30/19 11:43:24
 Completed at: 12/30/19 10:43:27

AFFIDAVIT OF SERVICE

Filed: 1/2/2020 9:37 AM
JOHN D. KINARD - District Clerk
Galveston County, Texas
Envelope No. 39601667
By: Rolande Kain
1/2/2020 9:44 AM
10th Judicial District Court

State of Texas

County of Galveston

Case Number: 19-CV-2298

Plaintiff:

Monica Felmer Heitman and Scott Heitman

vs.

Defendant:

Texas Farmers Insurance Company, et al.

For:

Johnson & Associates
303 East Main Street
Ste. 100
League City, TX 77573

Received by ATX Process, LLC on the 30th day of December, 2019 at 11:50 am to be served on Anthony Zaragoza by serving the **Secretary of State of Texas, 1019 Brazos, Austin, Travis County, TX 78701.**

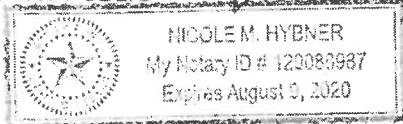
I, Erin Cuppett, being duly sworn, depose and say that on the **30th day of December, 2019 at 2:36 pm, I:**

served the **SECRETARY OF STATE** by delivering a true copy of the **Two Copies of Citation and Plaintiffs' Original Petition** with the date of service endorsed thereon by me, to: **Michael Orta at 1019 Brazos, Austin, Travis County, TX 78701**, as the designated agent for the Texas Secretary of State to accept service of process on behalf of **Anthony Zaragoza**. An administrative fee of \$55.00 was also tendered.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the foregoing occurred. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 30th day of December, 2019 by the affiant who is personally known to me.

NOTARY PUBLIC



Erin Cuppett
PSC-13350, Exp. 12/31/2021

ATX Process, LLC
704 W. 9th Street
Austin, TX 78701
(512) 717-5600

Our Job Serial Number: ATX-2019006403
Ref: Monica Heitman, Scott Heitman

AFFIDAVIT OF SERVICE

Filed: 1/7/2020 9:20 AM
JOHN D. KINARD - District Clerk
Galveston County, Texas
Envelope No. 39722237
By: Lisa Kelly
1/7/2020 9:32 AM
10th Judicial District Court

State of Texas

County of Galveston

Case Number: 19-CV-2298

Plaintiff:

Monica Felmer Heitman and Scott Heitman

vs.

Defendant:

Texas Farmers Insurance Company, et al.

For:

Johnson & Associates
303 East Main Street
Ste. 100
League City, TX 77573

Received by ATX Process, LLC on the 30th day of December, 2019 at 11:50 am to be served on **Texas Farmers Insurance Company by serving its registered agent, Chris Granger, 15700 Long Vista Drive, Austin, Travis County, TX 78728.**

I, Erin Cuppett, being duly sworn, depose and say that on the **31st day of December, 2019 at 1:15 pm, I:**


served a **CORPORATION** by delivering a true copy of the **Citation and Plaintiffs' Original Petition** with the date of service endorsed thereon by me, to **Julie Huerta as Authorized Agent** at the address of **15700 Long Vista Drive, Austin, Travis County, TX 78728.** and informed said person of the contents therein, in compliance with state statutes.

I certify that I am over the age of 18, have no interest in the above action, and am a certified process server, in good standing, in the judicial circuit in which the foregoing occurred. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 31st day of December, 2019 by the affiant who is personally known to me.

NOTARY PUBLIC

NICOLE M. HYBNER
My Notary ID # 120086987
Expires August 9, 2020


Erin Cuppett
PSC-13350, Exp. 12/31/2021

ATX Process, LLC
704 W. 9th Street
Austin, TX 78701
(512) 717-5600

Our Job Serial Number: ATX-2019006399
Ref: Monica Heitman, Scott Heitman

Filed: 1/7/2020 9:20 AM
 JOHN D. KINARD - District Clerk
 Galveston County, Texas
 Envelope No. 39722237
 By: Lisa Kelly
 1/7/2020 9:32 AM
 10th Judicial District Court

AFFIDAVIT OF SERVICE

State of Texas

County of Galveston

Case Number: 19-CV-2298

Plaintiff:

Monica Felmer Heitman and Scott Heitman

vs.

Defendant:

Texas Farmers Insurance Company, et al.

For: Johnson & Associates

Received by ATX Process, LLC on the 30th day of December, 2019 at 11:50 am to be served on Colonial Claims Corporation by serving its registered agent, CT Corporation System, 1999 Bryan Street, Ste. 900, Dallas, Dallas County, TX 75201. I, Caleb Malone, being duly sworn, depose and say that on the 2 day of January, 2020 at 10:00 A.M., executed service by delivering a true copy of the Citation and Plaintiffs' Original Petition in accordance with state statutes in the manner marked below:

☒ CORPORATE SERVICE: By serving Kim Hightower (individual accepting) as Intake Specialist (title), at 1999 Bryan St, Suite 900 (street), Dallas (city), Texas (state) 75201 (zip code) Dallas (county).

() PUBLIC AGENCY: By serving _____ (individual accepting) as _____ (title) of the within-named agency at _____ (street), _____ (city), _____ (state) _____ (zip code) _____ (county).

() SUBSTITUTE SERVICE: By serving _____ (individual accepting) as _____ (relationship/title) at _____ (street), _____ (city), _____ (state) _____ (zip code) _____ (county).

() GOVERNMENT AGENCY: By serving _____ (individual accepting) as _____ (title) of the within-named agency at _____ (street), _____ (city), _____ (state) _____ (zip code) _____ (county).

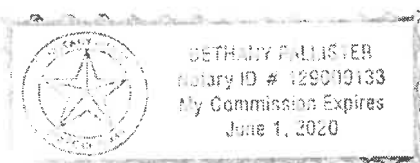
() NON SERVICE: For the reason detailed in the comments below.

COMMENTS: _____

I certify that I am over the age of 18, have no interest in the above action, and have the proper authority in the jurisdiction in which this process was delivered. The facts in this affidavit are within my personal knowledge and true and correct.

Subscribed and sworn to before me on the 2 day of January, 2020 by the affiant who is personally known to me.

Beth R. Hallister
 NOTARY PUBLIC



PROCESS SERVER # PSC1574 exp 10/31/21
 Appointed in accordance with State Statutes

ATX Process, LLC
 704 W. 9th Street
 Austin, TX 78701
 (512) 717-5600

Our Job Serial Number: 2019006401
 Ref: Monica Heitman, Scott Heitman